

CHAPTER 13

EMERGENCY GRANTS

OVERVIEW

This chapter describes the specific requirements related to the award and administration of emergency grants. Emergency grants are only available to remedy conditions that if allowed to continue, until legislative approval could be obtained to fund the project through the biennial TSEP cycle, would endanger the public health or safety and expose the applicant to substantial financial risk. An "emergency" means the imminent threat or actual occurrence of a disaster causing immediate peril to life, property, or the environment, which with timely action could be averted or minimized. MDOC may not make an emergency grant if it determines that through the implementation of reasonable management practices, the applicant can forestall the risks to health or safety until legislative approval can be obtained.

A. APPLICATION PROCEDURES

In order to determine whether to fund a request for emergency grant funds, MDOC will coordinate with the Department of Natural Resources and Conservation (DNRC), the Department of Environmental Quality, and the Department of Transportation, depending on the type of project to help determine if a project should be funded. Typically, emergency grants are limited to \$30,000 per project. Upon being contacted by an applicant, the Emergency Grant Application Review Form will be completed by the MDOC to evaluate whether an emergency project should be funded (see Exhibit 13-A).

B. START UP REQUIREMENTS

While MDOC recognizes the emergency nature of these types of projects, there are still administrative requirements that must be completed. MDOC will make every effort to fulfill its requirements in a timely manner. In order to allow the project to move forward, MDOC will verbally authorize specific actions that will be allowed by the TSEP grant recipient prior to having completed certain actions such as signing a contract with MDOC. However, the TSEP grant recipient must fulfill its requirements as soon as possible. **No TSEP funds will actually be sent to the TSEP grant recipient until a contract has been signed and other necessary requirements are completed.**

1. TSEP Contract

The TSEP grant recipient is required to enter into a grant agreement with MDOC. (See Exhibit 13-B for a sample of the TSEP contract.)

The TSEP grant recipient must appropriate, by resolution, at the earliest appropriate time, the grant received from MDOC. The resolution must state the source of the money, the program in which money will be expended and the effective date of the resolution. (See Exhibit 4-A for a sample budgetary resolution format.)

2. Completing Signature and Depository Forms

These forms must be completed and submitted to MDOC to receive TSEP funds. The Signature Certification Form (Exhibit 1-F) authorizes local officials to sign requests for payment. At least two officials must sign each drawdown request. The Designation of Depository form (Exhibit 1-G) provides that the payment for a grant or a loan will be sent directly to the local government's designated bank account. The Designation of Depository must indicate the name and/or number of an account (general depository) to which MDOC will send the TSEP funds.

C. **PROCUREMENT REQUIREMENTS**

Due the emergency nature of these projects, the procurement procedures normally followed by local governments may be waived. Section 18-8-211, MCA, provides exceptions to procuring engineers when an emergency requires the immediate execution of the work involved. Sections 7-5-4302 (municipalities) and 7-5-2304 (counties), MCA, provides exceptions to the advertising and bidding requirements for procuring a contractor during emergencies. Since county water, wastewater and solid waste districts are a sub-unit of county government, MDOC has concluded that the exceptions under 7-5-2304, MCA, also apply to them in emergency situations.

Section 7-5-4302, MCA, requires that three-fourths of the members of the city council present at the meeting determine what will best meet the emergency and serve the public interest. The proceedings of the meeting and the subsequent vote must be duly recorded at length in the minutes. The same requirement will be required of the other types of applicants and their governing bodies. If the governing body is composed of only three individuals, a two-thirds majority is required.

D. FINANCIAL MANAGEMENT OF THE GRANT

1. Expenses Eligible For Reimbursement

Emergency grant funds will only be provided in a sufficient amount to mitigate a problem that is critical to the operation of a system. Only those costs that are considered essential to resolving the emergency will be considered eligible.

Funding will not be provided for feasibility studies, research projects, or public information efforts. Funding will not be provided for preventive maintenance or to provide a backup to an existing system component.

Costs that have been incurred prior to being authorized by MDOC may potentially be eligible for reimbursement with TSEP emergency grant funds. However, in order to ensure that expenditures will be eligible for reimbursement, contact the TSEP staff for guidance before procuring any supplies, equipment, or professional or construction services.

2. Request of TSEP Funds

The Department will reimburse the TSEP grant recipient, the amount stated in the contract, for incurred expenses. A Request for Funds Form (For Emergency Grants) is used by TSEP grant recipients to request TSEP funds for reimbursement of eligible project costs (see Exhibit 13-C). The form, along with supporting documentation such as a copy of invoices, should be sent to your TSEP staff liaison at the Department of Commerce, Treasure State Endowment Program, 301 South Park Avenue, PO Box 200523, Helena, MT 59620-0523.

Upon receipt, the TSEP staff liaison for your project will review your request to ensure that the form is properly completed. Funds should normally be received within three weeks after receipt of the form.

E. CLOSEOUT OF THE GRANT

Upon completion of the project, the TSEP grant recipient must provide a Certification of Completion and Status of Funds Report for Emergency Grants to MDOC (See Exhibit 13-D). All of the project related records must be retained for three years after the final closeout of the TSEP grant.

CHAPTER 13 EXHIBITS

- 13-A Emergency Grant Application Review Form
- 13-B TSEP Contract for Emergency Grants
- 13-C Request for Funds Form for Emergency Grants
- 13-D Certification of Completion and Status of Funds Report for Emergency Grants
- 13-E Signature Certification Form